

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE BANK OF NEW YORK MELLON,
LONDON BRANCH, as Indenture
Trustee under the Indenture dated as of
April 30, 2007,

Interpleader Plaintiff,

-against-

CART 1, LTD., as Issuer; DEUTSCHE
BANK AG FRANKFURT, as Swap
Counterparty; and CRC CREDIT FUND,
LTD.,

Interpleader Defendants.

Case No. 18-cv-06093 (JPO)

NOTICE OF MOTION

(Oral Argument Requested)

PLEASE TAKE NOTICE that, upon the annexed Declaration of Maria Ginzburg dated November 20, 2018 and the exhibits attached thereto, and the accompanying memorandum of law, Interpleader-defendant and Crossclaim-plaintiff CRC Credit Fund, Ltd. (“CRC”) by and through its attorneys, will and do hereby move this Court, before the Honorable James Paul Oetken, United States District Judge, at the United States District Court for the Southern District of New York, 40 Foley Square, Courtroom 706, New York, New York, 10007, at a date and time to be set by the Court, for an order dismissing Deutsche Bank AG Frankfurt’s (“Deutsche Bank”) Crossclaims in their entirety, with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6), and denying Deutsche Bank’s Motion to Dismiss CRC’s Amended Crossclaims.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Order granting the Letter Motion for Extension of Time (Dkt. No. 42), any answering memorandum shall be due by December 7, 2018.

Dated: November 20, 2018
New York, NY

Respectfully submitted,
SELENDY & GAY PLLC

By: /s/ Maria Ginzburg
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